App F IX 4

*Previous References*

1943
Municipal

File No 98-43
Serial Nos 3, 44

*Later References*

# GENERAL AND REVENUE SECRETARIAT

*Serial Nos* Nil

**Part B for** August 1944

**SUBJECT**

Proposal of the Tafalim Minor Municipal council to write off a sum of Rs 238-3-11 due from Mr G.M. Mippiah as arrears of Khist amount in respect of the Shandy contract for the year 1938-39

Sl 44 The D.C, Cuddalore Dist
The Complainer

G.O L 1768-9 dated 18-8-44

Sanctions the above proposal

M.B.

31 8/44

Remission of the arrears of Khist amounts due from Govt Hospitals in respect of Shanbhag Contract for the year 1938-39



From the Dy Controller Chitaldrug Dt
Letter No A6-3191/42-43 & 2nd
Recommends sanction to remit a sum of
Rs 238-3-11. due from Govt Hospitals,
Shanbhag Contracts of Jagalur for the year
1938-39

1) The amount of Rs 388-3-11 is stated to have become due as arrears at the end of the year 1938-39 for which the Govt Hospital was the Contractor A sum of Rs 150/- is stated to have been paid by the defaulter Contractor on 6.6.42 i.e 3 years later The action of the Govt to recover the arrears was stated from the Contract Agreement executed by the Contractor When he took up the Contract it is seen that except the amount of Rs 367/- deposited by him, no other security has been taken from him to secure an easy recovery of any arrears that may become due from him. It is further stated that the defaulter who is said to be the Vice President of the Taluk Board Jagalur Town Committee has sold away his lands on 11.7.42 and it is suspected that the sale was effected after he came to know that the Govt of Jagalur had been taking action to ascertain whether he possessed any properties to be proceeded against An extent of 23 acres 20 guntas of garden land

is reported to have been sold for Rs 150/- This fabulously low price the sale might be a bogus one In the circumstances, had the Mirasi taken immediate action, there would not have been the occasion for the loss now recommended for remission for orders

Law 25/8/43

I. The question of the Law section arising perhaps be raised if the defaulter cannot be proceeded against for the penalty of the crime on an unsuccessful charge as suggested by the Collector whether this property which has alleged to have been forfeited may not also be proceeded

Law 26/8/43

20/7 S.D.O./T.R.

Law 46/1/43
26/8/43

Law Secy
as Advs

2) J. A may be done
as
25-8-43

4) Secretary's opinion
(Asst Secy Law Dept)
for
Secy

26/8/43

S.) If the allegations as to the purchase of the property by the brother-in-law of the seller's family, that was market value of the property then there is no defacto possession of the land Any attempt that we can find out

y we can get that Jaga settlement or else any
[illegible] D.C. themselves, we can thereby be able to
alter terms of policy on Revolving Appl"

6) [illegible] I have four things to
clarify in translation, i.e. the Jeeps are to be paid
under a Statute, Art 120 is applicable

7) Where enforcement of the powers
vested above may please be set — the file sent herein

Asst Secy
dtd
we
3/
28/2/44

8) [illegible] please
29/2/44

9) [illegible] letter dated
Mrs
29/2/44

10) [illegible]
29/2/44

To Mr. D.C. Chitaldrug Dr
Letter No L 9121 dt 2/3/44
Calls for information on certain points

Letter No H6 3191/42-43 dt 24 6 44 from the
D.C. Chitaldrug Dist today in reply called for
11) From the report of the Amildar, Challakere
it is seen that the lands in S No 19 of Kallesahalli
village belonging to Mr. G. N. Shivaiah was sold by
him to Mr. Kadlebatte Anjanappa, that there is

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Continuation Sheet 3rd File No / Current No of Page

R

the relationship between the two, that the land was sold for Rs 150/- on 11-7-1942 & that the purchaser (Anganappa) is now in possession & enjoyment of the land as can be seen from the records. The market value of the property at the time of sale has been reported to be Rs 150/-:

(c) Subject to the reference in paras 5-7 supra

3/7 The information required in paras 5 to 7 supra is furnished by the Deputy Commissioner in his letter dated the 24/15th June 44

(d) I am of opinion that the information required opinion called for in paras 2 to 4 supra

Govt Reg No 1/44-45 (Asst Secy, Law Section) for
Dated 6/7/44 5/7/44

(5) It is seen that the sale of the land by the defaulter was for Rs 150/- the Municipal Council that the sale was effected on 11/7/42 & the amount of Rs 150/ was paid towards arrears on 6/6/42 The market price of the land seems to be a fair price - & the purchaser of the property is not in any way related to the defaulter The Municipality have passed a resolution that the arrears of Rs 238/3/11 may

be written off as the defendant has no property either movable or immovable

16) From the facts as seen I think that the sale is a bona fide transaction, & was made to the extent to defraud any creditors. The purchaser is in possession of the land & is enjoying the benefits thereof evidenced by Exhibit C. The only suspicious element is that the defendant sold the property for Rs 150/- whereas the valuation report Rs 1500/- The valuation report is only an opinion & the evidence to show that the sale was effected to defraud creditors. On the other hand the fact has to be strengthened the presumption that the sale was bona fide. The defendant must have taken the consideration of Rs 150/- before registering the sale deed to pay off the arrears. There is no evidence to show that the sale was effected & also the sale deed registered on 11.7.42. The defendant may have taken Rs 150/- from the purchaser to pay off the arrears, & then he may have registered the sale deed

17) I therefore hold that there is no evidence on record to show that the sale was effected to defraud creditors. It seems to me, that the transaction is a bona fide one &

as such be recommended through
D.C & suitable arrears &
Rs 238/- may be sanctioned as recommended
by the Municipal Council

Law Secretary) 3/7/44

19/7/44

Govt of Mysore

Law Secy) 3/7/44

(8) The Law opinion may be accepted.
& the sum of Rs 238/8/11 ~~may be~~
due from the Standing contractor may
M/s Moffat & Co may be remitted or written off by the
Municipal Council.

Law Secy for
21.7.44

(9) May be accepted
accordingly

21.7.44

OFFICE OF THE MINISTER
FOR L S G & P H
Date 21.7.44
No. 600

20) 28.7.44

21) Draft for Rs 238/8/11 in favour of M/s Moffat & Co

22) Submitted with Go draft for approval

23 Issued

16/8/44

For G S
16 AUG 1944
SECTION

91 44) R 1768-7 dt 18.8.44

Sanctioned

ml-98-43-3

1181
L

No 45]

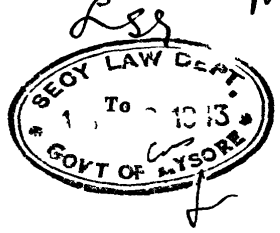
**GOVERNMENT OF MYSORE**

Telegram / phone

**OFFICE OF**
The Deputy Commissioner,
Chitaldrug District,
Chitaldrug

No A6 3192/42-43
Encls 1 file

Date




C Narayanaswami Naidu, Esquire, B A , B L ,
Secretary to Government, Law Department,
Bangalore.

Sir

In submitting herewith the entire file of records erding with Jagalur Municipal President's report No 16/39-40 dated the 12th May 1943 in the matter of writing off a sum of Rs 238-3-11 due from G M. Thippiah, Market Contractor for the year 1938-39, I have the honour to state that the above mentioned person purchased the right of - collecting the fees at the weekly shandies at Jagalur in public auction for a sum of Rs 2,200/- for the year 1938-39 He paid the instalments except a sum of Rs 388-3-11 (inclusive of interest) which fell into arrears at the end of the year. Notices to pay the amount were issued from time to time apprising the contractor that a resale would be held at his risk for default to pay the arrears A resale was also notified to be held on 22-12-1938 on which date the contractor paid Rs 150/- and prayed for time to pay the balance The Municipal - Councillors present, accepted the amount and stayed the sale, but the arrears of 388-3-11 was not recovered Subsequently the contractor applied to the President, Jagalur Municipal Council, on 6-6-1942 stating that he would pay Rs 150/- towards the arrears and praying that the balance of Rs 238-3-11 due by him may be written off as he sustained heavy loss in the contract The subject was placed before the Municipal Council at its meeting convened on 25-6-1942 when it was resolved that the amount of Rs 150/- produced by the party may be credited to Municipal Funds and the balance written off the accounts as the party did not possess either movable or immoveable properties. Necessary enquiries

enquiries have been made by the President of Jagalur Municipality by making a refererce to the Amildar of Challakere, whether the defaulter, who was then residing in Malkanahatti of Challakere Taluk, possessed any property in the Taluk. It is seen from the record that the defaulter owned 23 acres and 28 guntas of garden land in Maluranatti village, but that these lands were sold by him on 11-7-1942 to one Anjanappa bin Sura Vitoba for a sum of Rs 150/- evidently after he came to know of the enquiries that were being made about the properties owned by him Out of Rs 388-3-11 due by him at the end of 38-39, he paid Rs 150/- on 6-6-1942, that is, prior to the sale of his lands.

The President of Jagalur Municipal Council now reports that Rs 238-3-11 due by the defaulter is irrecoverable, and that the amount may be ordered to be written off, as resolved by the Municipal Council, at its meeting convered on 6-5-1943.

The defaulter is now the Vice President of Malkanhatti Municipal Council and it is reported by the Amildar and Ex-officio President of Malkanhatti Municipality that the defaulter does not own any house No property qualifications are prescribed for a person to become a member of the Municipal Council or a Vice President, vide Sections 7 and 8 of the Minor Municipalities Act. Section 9 (1) gives the general disqualifications for becoming a Councillor and Section 9 (2) enumerates certain disabilities from continuing as a Councillor. The defaulter is a Municipal Councillor and elected Vice-President of Malkanahatti Municipal Council Section 9 (2) (d) is usually interpreted to apply to the Municipality of which he is a Councillor and who fails to pay the arrears to such Municipal Council It does not seem to apply to a Municipal Councillor, who is a defaulter to some other Municipal Council than the one of which he is a member.

Under these circumstances, it is perhaps possible for the Municipal Council to file an insolvency petition against the defaulter in a competent court of law just to force the defaulter to pay the arrears, but as he has no properties either movable or immovable there are no chances of recovery of arrears The recommendation of the

the Municipal Council to write off the arrears may kindly be sanctioned as recommended by the Municipal Council.

I have the honour to be,

Sir,

Your most obedient servant,

Deputy Commissioner,
Chitaldrug District.

mns

Appendix F G —1]

SUBJECT

Section MP

File No 98 - 43

Serial No

*Diary No of letter replied to* 1181 L

No L9121/Rev S

To

General and Revenue Secretariat

( )

*the* *194*

The Dy Commr, Chittoor D

Sir

Date of issue 2/3

Signed by [illegible] + received

With reference to your letter No. Ab 3/91/42-43 dated — rec'd in the Secretariat [illegible] in the matter of the recovery of Rs 2387-3-11 due from Sri M. Thimmaiah Market Contractor of Jagalur Municipality for the year 1938 39 I am directed to request you to furnish information on the following points ——

1) Who is the purchaser of the property possessed by the contractor in Maharashtra Village, stated to have been sold by him on the

List of enclosures

Copied by 2/3/43

Examined by

WD 04161—GPB—60 000—24 10 41

TSG Rao +

4th Reg (942)(2) Is the purchaser to the seller? (3) What was the market value of the property then and who is in de facto possession of the land?

What is applicable

I am to state that after obtaining information on the above points, we can get the sale set aside or not. It is necessary that the certificate or otherwise of filing an Encumbrance affidavit to be recorded as suggested in 4a the last para of your letter under reply the records accompany for report returnment

I have etc

for
Secy to Govt
Law Dept

T

*Address —Depcom*
CHITALDRUG

In reply please refer to
No A6.3191/42-43
Enclosures File.

OFFICE OF THE DEPUTY COMMISSIONER
CHITALDRUG DISTRICT

*Dated Chitaldrug* 24th June, *1944*

GEN & REV SECRETARIAT 8253 26 JUNE 1944 L S G BRANCH

COVT OF MYSORE 26 JUN 1944

FROM C Nirvani Gowda, Esq , B A ,
*Deputy Commissioner,*
*Chitaldrug District*
CHITALDRUG

To

C Narayanaswami Naidu, Esq , B A , B L ,
Legal Remembrancer & Secretary to Government,
Law Department, BANGALORE

Sir,

Subject - Remission of Rs 238-3-11 due by Mr G M Thippiah, Market Contractor of Jagalur Municipality, for the year 1938 - 39 -

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Adverting to your letter No L 9121/93-43, dated 2-3-1944 on the above subject and requesting me to furnish certain particulars called for therein, I have the honour to state that the Amildar of Challakere reports that the land in S No 19 of Mallurahatti village belonging to Mr G M Thippiah, was sold by him to Kadlebatti Anjanappa that there is no relationship between the two, that the land was sold for Rs 150/- on 11-7-1942 and that the purchaser (Anjanappa) is now in possession and enjoyment of the land as seen from the extract of the Register of Index of lands of the village enclosed in the record The market value of the property at the time of sale has been reported to be Rs 150/-

2 The entire file of records ending with Challakere Amildar's

G R S App F VI—G 2]

SUBJECT

*Diary No of letter replied to*

General and Revenue Secretariat

( )

*the* *194*

Date of issue 18/8/ 194 4

Signed by

May this be—

(i) printed?

(ii) treated as a ~~Standing~~ Order?

(iii) published in the Gazette English Part?

(iv) translated?

(v) placed at the disposal of the Press?

(vi) published in the Gazette Kannada Part?

Section FC1

File No 98-43

Serial No 44

*Proceedings of the Government of His Highness the Maharaja of Mysore*

*Read*— Correspondence ending with Letter No A6319/42-43 dated 24.6.1944 from the D.C. — containing D.C's recommendations for sanction of the resolution of the Taluk Board to write off a sum of Rs 236-3-11 being the irrecoverable amount due from M/s M Thabibiah ~~Order thereon—No~~ as arrears of Khist amount for the year 1936-37 in respect of Shandy — Contract for the year 1936-37 having become irrecoverable as the same is irrecoverable from him

Order No. A 17.68-9 dated 18-8-44 sanctioning

Addressed to the Deputy Commissioner

Ans

Secy to Govt 22/8/44 Law Dept.

*List of Enclosures*

*Copied by*

*Examined by*

WD 04162—GPB—60 000—23-10 41

**PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS**

**THE MAHARAJA OF MYSORE**

Read:-

Correspondence ending with letter No. [illegible]2191/12-43 dated 24th June 1944, from the Deputy Commissioner, Chitaldrug District, recommending for sanction in the circumstances stated to the resolution of the Jagalur Minor Municipal Council to write off a sum of Rs.233-3-11 being the amount due from Mr. J. Lingaiah as arrears of khist account in respect of the shandy contract for the year 1939-39 as the same has become irrecoverable.

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ORDER NO. L1768-9/Mul 98-43-44

Dated, Bangalore, the 18th August 1944.

Sanctioned

for Secretary to Government,
Law Department.
17/46

The Deputy Commissioner, Chitaldrug District, with records.
" Comptroller to Government of Mysore.

A.G.P.S.